

## PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number  
101708822

## APPLICATION AS FILED – PART I

(Column 1)		(Column 2)		SMALL ENTITY		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEES (\$)		RATE (\$)	FEES (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))								
SEARCH FEE (37 CFR 1.16(k), (l), or (m))								
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))								
TOTAL CLAIMS (37 CFR 1.16(l))	minus 20 =			X =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =			X =				
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))								
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL		TOTAL		

## APPLICATION AS AMENDED – PART II

(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
8-10-05	19	Minus	20	=		x 25 =		x 50 =	
Total (37 CFR 1.16(l))	19	Minus	20	=		x 100 =		x 200 =	
Independent (37 CFR 1.16(h))	1	Minus	3	=		180		360	
Application Size Fee (37 CFR 1.16(s))						TOTAL ADD'L FEE		TOTAL ADD'L FEE	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)
Total (37 CFR 1.16(l))		Minus	20	=		x 25 =		x 50 =	
Independent (37 CFR 1.16(h))		Minus	3	=		x 100 =		x 200 =	
Application Size Fee (37 CFR 1.16(s))						180		360	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						TOTAL ADD'L FEE		TOTAL ADD'L FEE	

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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*fee only***CERTIFICATE OF FACSIMILE/MAILING PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office at (571) 273-8300 and that a confirmation copy is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: August 10, 2005By: 

Beverly Fletcher

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****PATENT**Applicants: **Blayn W. Beenau, et al.**Attorney Docket No.: **60655.8300**Serial No.: **10/708,822**; Confirmation No.: **2821**Group Art Unit: **2876**Filed: **March 26, 2004**Examiner: **Walsh, Daniel I.**Title: **SYSTEM FOR BIOMETRIC SECURITY USING A FOB*****TERMINAL DISCLAIMER TO OBVIA  
TE A PROVISIONAL DOUBLE PATENTING REJECTION  
OVER CO-PENDING APPLICATIONS***

Mail Stop Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

The owner, American Express Travel Related Services Company, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on the pending reference Application Numbers 10/708,823, 10/708,824, 10/708,825, 10/708,826, 10/708,828, 10/708,830, 10/708,831, 10/708,832, 10/708,834, 10/708,827, 10/708,833, 10/708,835, 10/708,836, 10/708,829; and 10/708,837, all of which were filed on March 26, 2004, as such term is defined in 35 U.S.C. §§ 154 and 173, and as the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference applications. The owner hereby agrees that any patent so granted on the instant

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Serial No. 10/708,822

Attorney Docket No. 60655.8300

PAGE 11/12 RCV'D AT 8/10/2005 6:52:18 PM (Eastern Daylight Time) \* SVR:USPTO-EFXRF-51 \* DNI:2738300 \* CSID:602 382 6070 \* DURATION (mm:ss):03:28

application shall be enforceable only for and during such period that it and any patent granted on the reference applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of any patent granted on said reference applications, "as the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference applications," in the event that: any such patent: granted on the pending reference applications: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

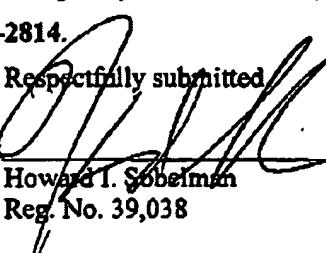
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record, Reg. No. 39,038.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Respectfully submitted,

By

  
Howard I. Sobelman  
Reg. No. 39,038

Dated: August 10, 2005

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Serial No. 10/708,822  
Attorney Docket No. 60655.8300